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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,639	12/04/2001	Jimmy D. Saunders	J30710US	8246
28805	7590	05/21/2004	EXAMINER	
RAYMOND R. FERRERA INTELLECTUAL PROPERTY SERVICES 2502 LIVELY LANE SUGAR LAND, TX 77479			BONZO, BRYCE P	
		ART UNIT	PAPER NUMBER	
		2114		
DATE MAILED: 05/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/005,639	SAUNDERS, JIMMY D.
	Examiner Bryce P Bonzo	Art Unit 2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 December 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-18 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 04 December 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

NON-FINAL OFFICIAL ACTION

Status of the Claims

Claims 1-3 are rejected under 35 USC §102.

Claims 4-18 are rejected under 35 USC §103.

Claims 7 and 8 are objected to based on minor informalities.

Minor Informalities

Claims 7 and 8 are believed to depend from 6 rather than claim 5, as written. This would maintain the a path of antecedent basis. Appropriate correction is requested.

Rejections under 35 USC §102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Price (United States Patent Application Publication No 2002/0032762).

As per claim 1, Price discloses:

A general purpose test equipment system comprising:
hardware having common object request broker architecture software (p 4, ¶36) and
a mark-up language enabled input connected to the hardware (p 4, ¶37 XML).

As per claim 2, Price discloses:

2 A system as in claim 1 wherein the mark-up language enabled input is configured for acceptance of a delimited configuration file (p4, ¶37).

As per claim 3, Price discloses:

3. A system as in claim 1 wherein the mark-up language comprises XML (p4, ¶37 XML).

Rejections under 35 USC §103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price (United States Patent Publication No. 2002/0032762).

As per claim 4, Price does not explicitly disclose:

wherein the mark-up language comprises SGML. Official Notice is given that SGML is a widely known mark-up language which was an early competitor to XML. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to substitute SGML in place of XML in order to provide for a wider market base, thus increasing the application the invention of Price can be used with.

As per claim 5, Price does not explicitly disclose:

wherein the mark-up language comprises HTML. Official Notice is given that HTML is a widely known mark-up language which was an early precursor to XML. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to substitute HTML in place of XML in order to provide for a wider market base, thus increasing the application the invention of Price can be used with.

As per claim 6, Price discloses:

6. A system as in claim 1 wherein the mark-up language enabled input comprises a mark-up language reader configured to receive a performance specification document and output a delimited configuration file (p4, ¶37 is clearly receiving XML inputs and outputting configuration data).

7. A system as in claim 5 wherein the reader selectively outputs a human readable document corresponding to the performance specification document (p6, ¶66).

Claims 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price (United States Patent Application Publication 2002/0032726) in view of Martens (United States Patent No. 6,618,629).

As per claim 8, Price discloses:

8. A system as in claim 5 wherein the performance specification document comprises:

an order of test operations to be performed on equipment, wherein the order of test operations is defined in mark-up language (p5, ¶46 :scheduling request),

a specification of system interfaces for the application of stimulus to and the collection of measurements from the system during test operations, wherein the specification is defined in mark-up language (p5, ¶49 and p6, ¶66),

a specification of units and values to be applied to the equipment during test operations, wherein the specification is defined in mark-up language (p6, ¶ 59: configuration parameters),

a specification of units and values to be measured during test operations (p5, ¶56: formatted input of XML is dumped into a system expected units),

a specification for collection of test results (p6, ¶66: using consol..simply; p6, ¶64: During...testing), and

a specification for storage of test results (p4, ¶39: preservation of work; p4, ¶40: present opportunity to archive).

Price does not disclose: an identification of a test system response to failure. Martens discloses this (column 8, lines 32-44). Martens provides a unified interface for testing and controlling a factory assembly line via XML. Defining the system response to an error, even if the response is simply reporting the error or logging it, provides the maintainers of the device valuable information crucial for servicing a device: namely the device is not operating properly. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the identification of errors in the XML based system of Price to better alert the users of the device as to what an error is so that they may be notified.

Claims 9 is viewed as the methodological embodiment of the combination of claims 1 and 8 and is rejected accordingly.

Claims 10-12 are viewed as the methodological embodiment of the combination of claims 1 and 8 with dependents 2-5 respectively and are rejected accordingly.

13. A method as in claim 9 further comprising generating a human-readable document dependent upon said entering (p6, ¶66: the GUI is a human readable document).

Claims 14-18 are viewed as the system for configuring tests claims in claim 9-13 and I rejected on the same grounds shown above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryce P Bonzo whose telephone number is (703) 305-4834. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bryce P. Bonzo

Bryce P Bonzo
Examiner
Art Unit 2114
